

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

DENNIS RUSSELL HOOPER,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

1:12-cv-00297-CL

ORDER

PANNER, J.

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, I review legal principles *de novo*. See Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007).

I agree with Magistrate Judge Clarke that plaintiff's negligent training claim is barred by the discretionary function exception to the Federal Tort Claims Act. I also agree with Magistrate Judge Clarke that defendant is not entitled to summary

judgment on plaintiff's invasion of privacy claim because material issues of disputed fact exist.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#53) is adopted. Defendant's motion for summary judgment (#42) is granted as to plaintiff's negligent training and supervision claim, and denied as to plaintiff's invasion of privacy claim.

IT IS SO ORDERED.

DATED this 25 day of September, 2013.

A handwritten signature in black ink, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE